

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 61013-2022 (O&M)

Date of Decision:10.01.2023

Asha Rani

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Manoj R. Sharma, Advocate
for the petitioner.
Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 214 dated 12.11.2022, under Sections 21, 21 (b), 29 and 27 (a) of the NDPS Act registered at Police Station Dinanagar District Gurdaspur, who is alleged to have possessed contraband of 05 gram heroin, which falls under the ambit of non-commercial quantity.

Learned counsel for the petitioner contends that the petitioner is in custody since 12.11.2022. He submits that the petitioner was a pillion rider on the vehicle, from whom the recovery of contraband had been effected, which is of non-commercial quantity. He further submits that the petitioner is a lady and that the co-accused Vishal Kumar alias Dholi has already been granted regular bail vide order dated 05.01.2023 passed in CRM-M-59969-2022 and that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that the recovery effected from the petitioner comes under the category of non-commercial quantity.

I have heard learned counsel for the parties.

As per custody certificate, the petitioner is in incarceration since 12.11.2022.

It is not a case made out by the respondent-State that if the concession of bail is granted to the petitioner, she would hamper the course of free and fair trial. Further, since the recovery falls under the ambit of non-commercial quantity and the co-accused has been granted bail and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

10.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No